

**Notice of Allowability**

Application No.

09/677,302

Applicant(s)

ROBB ET AL.

Examiner

Alain L. Bashore

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-9-07.
2. ☒ The allowed claim(s) is/are 8-12, 20-24 and 26-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

**ALAIN L. BASHORE**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Response to Amendment***

1. The abstract and drawings filed 8-6-07 are approved.
2. The filing of new claims 27-33 in the amendment filed on 8-6-07 will be considered as filed under 37 CFR 1.312. Claims 27-33 are hereby entered as not affecting the scope of the invention.

### ***Allowable Subject Matter***

3. Claims 8-12, 20-24, 26-33 are allowed.

## **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 8, 20, and 26. Claim 8 recites a computer implemented process for auctioning services requested by a buyer via a network, claim 20 recites an apparatus for auctioning services requested by a buyer, and claim 26 recites a network system for auctioning services.

Art Unit: 1762

Walker et al ('169) is considered the closest prior art. Walker et al teaches services requested by a buyer utilizing the Internet (as CPOs), where a broker is disclosed and also where bidders are sellers of services. The buyer is disclosed as maybe limiting the number of bids to be considered at an auction because of tradeoff. A number of bids are made available to bidders, the buyer is notified of the bids, and the buyer selects a bidder.

Walker et al ('169) does not disclose the claimed combination including:

In claim 8:

making available via the network by the broker to potential bidders a buyer rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions, wherein the potential bidders are sellers of services; and

considering by the potential bidders the rating in deciding on whether to bid on the service request, wherein the higher the rating, the more willing the potential bidders would want to bid, and the lower the rating, the less willing the potential bidders would want to bid.

Art Unit: 1762

In claim 20:

means for making available to potential bidders a buyer rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions, wherein the potential bidders consider the rating in deciding on whether to bid on the service request, wherein the higher the rating, the more willing the potential bidders would want to bid, and the lower the rating, the less willing the potential bidder would want to bid, wherein the potential bidders are sellers of services; and

means for receiving bids from the bidders.

In claim 26:

means for making available to potential bidders a buyer rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions, wherein the potential bidders consider the rating in deciding on whether to bid on the service request, wherein the higher the rating, the more willing the potential bidders would want to bid, and the lower the rating, the less willing the potential bidders would want to bid; and

means for receiving bids from the bidders.

Art Unit: 1762

For these reasons claims 8, 20, and 26 are deemed to be allowable over the prior art of record, and claims 9-12, 21-24 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/  
Primary Examiner  
Art Unit 1762

27. (New): A process as in claim 8, further comprising the steps of:

specifying by the buyer via the network at the start of an auction a number N of best bids to be considered from the auction, where N is a number less than number of all bids, and predetermined by the buyer based on tradeoff between price competition among bidders (at a smaller N value) and number of bidders available for buyer selection of a bidder based on factors other than price (at a larger N value);

making by the broker the number N available to bidders via the network;

notifying via the network by the broker the buyer of the identities of the N lowest bids;

and

selecting by the buyer via the network a bidder from one of the N lowest bids or choosing not to execute the service request.

28. (New): A process as in claim 27, wherein the broker does not allow the buyer to consider any bids greater than the N<sup>th</sup> bid.

29. (New): A process as in claim 27, wherein the bidders can bid any amount as long as they beat an outstanding bid by more than a predetermined amount.

30. (New): An apparatus as in claim 20, further comprising:

means for the buyer to submit a service request to a broker for auctioning;

means for the buyer to specify at the start of an auction the number N of best bids to be considered from the auction, where N is a number less than number of all bids, and predetermined by the buyer based on tradeoff between price competition among bidders (at a

OK to enter AB 9-13-07

smaller N value) and number of bidders available for buyer selection of a bidder based on factors other than price (at a larger N value);

means for the broker to make N available to bidders; and

means for the buyer to select a bidder from one of the N best bids.

31. (New): An apparatus as in claim 30, wherein the broker is configured such that it does not allow the buyer to consider any bids greater than the N<sup>th</sup> bid.

32. (New): An apparatus as in claim 30, wherein the broker is configured such that the bidders can bid any amount as long as they beat an outstanding bid by more than a predetermined amount.

33. (New): A network system as in claim 26, wherein the broker system further comprising:

means for the buyer to submit a service request to a broker for auctioning;

means for the buyer to specify at the start of an auction a number N of best bids to be considered from the auction, where N is a number less than number of all bids, and predetermined by the buyer based on tradeoff between price competition among bidders (at a smaller N value) and number of bidders available for buyer selection of a bidder based on factors other than price (at a larger N value);

means for the broker to make N available to bidders; and

means for the buyer to select a bidder from one of the N best bids.

OK to enter 9-13-07